

In re) Fair Hearing No. 20,693
)
Appeal of)

The petitioner appeals the decision by the Department for Children and Families, Child Development Division, denying her request to increase the percentage of eligibility from 45 percent to 75 percent for subsidized child care services. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner uses daycare services for her two minor children.
2. The petitioner earns \$13 per hour and works approximately 72 hours bi-weekly. Based on the pay stubs petitioner submitted to the Department, petitioner earns an average of \$936 per week or \$2,112.40 per month.
3. Although the petitioner has been awarded \$300 per month in child support, petitioner has not received child

support on a regular basis. As a result, the Department is not including child support in its calculations.¹

4. Based on the Child Care Subsidy regulations, the Department calculated petitioner's subsidy to be 45 percent based on her wages.

ORDER

The Department's decision is affirmed.

REASONS

The Department administers a child care subsidy program that provides subsidies to those families that have both a service need and meet income eligibility standards. Subsidy Regulation 4032. The amount of the subsidy is based upon the family's gross income and size. Subsidy Regulations 4034 and 4035. Gross income is defined to include gross wages and child support paid out on a regular basis.

Petitioner's service need is derived from her need for child care to maintain employment. The Department determined petitioner's subsidy by applying her gross income from wages to the fee scale in the regulations. Based on her income,

¹ The Department referred the petitioner to the Office of Child Support for help collecting child support. The Department will not consider child support until they recertify petitioner for services in October 2007.

petitioner is entitled to a subsidy of 45 percent of the fee scale.

Accordingly, the Department's decision is affirmed.

3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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